

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION

ANNA JEANETTE UPCHURCH,)
Plaintiff,)
v.) 2:04-0102
JO ANNE B. BARNHART, Commissioner of Social)
Security)
Defendant.)

O R D E R

Before the Court is the Report and Recommendation of Magistrate Judge Griffin wherein she recommends denial of the Plaintiff's Motion for Judgment on the Administrative Record and affirmance of the Commissioner's decision.

Plaintiff has timely filed objections to the Report and Recommendation. Two objections are presented:

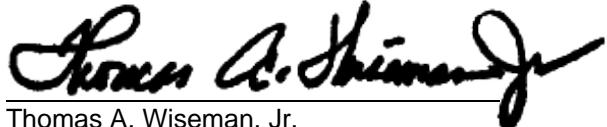
1. The Plaintiff objects to the Magistrate's conclusion that the Administrative Law Judge did not err in denying Ms. Upchurch's claim at step two of the sequential evaluation process.
2. The Plaintiff objects to the Magistrate's conclusion that the Administrative Law Judge did not err in failing to give any reasons for rejecting the opinions of Ms. Upchurch's treating primary care physician and treating orthopedic surgeon.

Both of these objections were raised and fully argued before the Magistrate Judge. Judge Griffin dealt with each in a thorough review of the record. From a consideration of the record and the decision of the Administrative Law Judge, the Court finds the reasoning and findings of Magistrate Judge Griffin to be correct in fact and in law and the Report and Recommendation is adopted as the findings and conclusions of the undersigned.

The Motion for Judgment of Plaintiff, Document #4, is **DENIED** and the Commissioner is **AFFIRMED**.

This case is **DISMISSED**. This is a final order pursuant to Rule 58 Federal Rules of Civil Procedure.

IT IS SO ORDERED.



Thomas A. Wiseman, Jr.
Senior U.S. District Judge